

\*E-FILED 5/1/2009\*

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

## SAN JOSE DIVISION

REYNA NAREZ and AURELIO L. VASQUEZ, No. C09-00090 HRL

v.  
Plaintiffs,

## **ORDER VACATING CASE MANAGEMENT CONFERENCE**

NDEX WEST LLC; CHASE HOME FINANCE, LLC; and DOES 1-50.

## **ORDER TO SHOW CAUSE**

#### Defendants.

On April 14, 2009, this court held a hearing on the motion to dismiss filed by defendant Chase Home Finance LLC. Plaintiffs failed to file any opposition to that motion and did not appear at the motion hearing. This court issued an order directing plaintiffs to file, no later than April 24, 2009, either a consent or declination to proceed before a United States magistrate judge. They have not done so. Accordingly, IT IS ORDERED THAT:

- 22       1. The May 5, 2009 case management conference is VACATED.  
23       2. Plaintiffs shall appear on **June 2, 2009, 10:00 a.m.** in Courtroom 2, Fifth Floor,  
24 United States District Court, 280 South First Street, San Jose, California, and show cause why  
25 this case should not be dismissed for their failure to prosecute and to comply with court  
26 deadlines. Plaintiffs shall file a declaration in response to this order by **May 26, 2009**.  
27       3. Plaintiffs' failure to appear at the June 2, 2009 hearing will result in a  
28 recommendation by this court that this action be dismissed for lack of prosecution.

1           4. A copy of this order will be electronically served on counsel of record at their  
2 email addresses listed on the court's docket. A hard copy of this order will also be served by  
3 first class mail to plaintiffs' counsel at his address of record.<sup>1</sup>

4       5. Additionally, defendant Chase Home Finance shall forthwith serve a copy of this  
5 order on plaintiffs themselves at their last known address and file a proof of service with the  
6 court.

SO ORDERED.

8 || Dated: May 1, 2009

  
HOWARD ROLLOYD  
UNITED STATES MAGISTRATE JUDGE

## United States District Court

For the Northern District of California

27                   <sup>1</sup> Based on information found on the California State Bar's website  
28 (www.calbar.ca.gov), this court is informed that plaintiffs' counsel of record is no longer  
eligible to practice law and that his law license was ordered inactive on April 25, 2009.  
Notice of this order nonetheless will be sent to him at the address listed on that website and  
on the court's docket.

1     **5:09-cv-90 Notice has been electronically mailed to:**

2     John M. Sorich jsorich@adorno.com

3     Mitchell W. Roth fedfilings@mroth.com

4     Sung-Min Christopher Yoo cyoo@adorno.com, vdelgado@asands.com

5     **Counsel are responsible for distributing copies of this document to co-counsel who have  
6     not registered for e-filing under the court's CM/ECF program.**

7     **5:09-cv-90 A copy of this document will be mailed to:**

8     Mitchell W. Roth  
M.W. Roth, PLC  
9     13245 Riverside Drive, Suite 320  
Sherman Oaks, CA 91423